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Approved For Release 2005/12/23 : CIA-RDP83-01042R000500070021-8

8 AUG 1975

MEMORANDUM FOR: Director of Central Intelligence
VIA : Deputy Director for Administration
SUBJECT : CIA Surveillance Activities Within the
United States

1. Action Requested: It is requested that you approve the recommendation contained in paragraph four.

2. Definitions

a. Physical surveillance is the systematic visual observation by any means of a specific individual or individuals without their knowledge which does not amount to a trespass. Physical surveillance is legally permissible.

b. Monitoring is the recording of conversations in which one of the parties is aware that it is being done. Such monitoring by electronic or other means is legally permissible.

c. Audio surveillance is the interception of wire and oral communication through the planting or use of electronic, mechanical or other devices for the overhearing of a conversation without the consent of the parties thereto. Audio surveillance is regulated by 18 U.S.C. 2511 and by a delegation of Presidential authority to the Attorney General. Within the United States only the FBI may conduct audio surveillance after approval by the Attorney General pursuant to the Presidential delegation. The Attorney General may authorize the FBI to conduct audio surveillance upon the request of CIA. Such requests require the specific approval of the Director of Central Intelligence. Audio surveillance performed in accordance with these procedures is permissible for purposes falling within the Agency's legislative charter.

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3. Staff Position

a. While there are legal limitations on surveillance techniques that can be employed within the United States, surveillance has a proper role in a legitimate investigation. Occasions will arise when a given case will present the need to conduct surveillance of individuals suspected of personal or security irregularities or about whom there is counterintelligence concern. The authorization of the Director of Central Intelligence, as Director of this Agency under his general responsibility for the Agency's proper administration or under his specific responsibility for protection of intelligence sources and methods, will be required before surveillance will be initiated.

b. The following are instances in which physical surveillance or monitoring is legitimate and within the Agency's legislative authorization:

(1) Within the boundaries of Agency installations or property, any individual suspected of unlawful or improper security-related activities;

(2) Agency employees or individuals with whom the Agency has an official association and a legitimate security interest who are suspected of conduct or activity deemed to constitute a threat of exposure or compromise of intelligence sources and methods;

(3) In coordination with appropriate law enforcement authorities, those individuals in (1) and (2) above who are suspected of unlawful or criminal activities;

(4) A foreign national of operational interest when it is necessary to establish his bona fides or otherwise required as an aid in assessment, recruitment, briefing, or debriefing. Where appropriate, prior coordination or concurrence with the FBI will be effected;

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(5) To monitor or observe clandestine meetings with individuals of operational interest (countersurveillance);

(6) To evaluate and test security systems at Agency installations; and

(7) For the protection of an employee in those instances where there is concern for the employee's safety or well-being and not for security-related considerations.

c. Where consideration of cases leads to the conclusion of a need for surveillance, justification should be obtained and specific proposals should be advanced concerning the techniques to be employed. In these cases an analysis and justification should be submitted to the Director of Central Intelligence for his action as Director of this Agency or under his statutory responsibility to protect intelligence sources and methods.

d. There inevitably will be instances in which operational requirements do not afford time in which to conduct prior formal recommendations and review. To provide for such operational situations, reporting and review at the approving level may be accomplished after the fact in such cases. However, advance oral approval of the Director of Central Intelligence will be obtained prior to the onset of the physical surveillance or monitoring.

e. There are limited areas in which physical surveillance or monitoring are routinely used. Within these specifically defined areas, authority to approve should reside at a level below that of the Director of Central Intelligence.

(1) Specifically, the Deputy Director for Administration and the Deputy Director for Operations should be authorized to approve or delegate to an Office or Division head the authority to approve countersurveillance. Limited physical surveillance of anyone discovered as a result of the countersurveillance may occur only

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to the extent necessary to identify the individual, but in no case for more than 24 hours. The physical surveillance should be reported to the Director of Central Intelligence as soon thereafter as feasible.

(2) The Deputy Director for Administration should be authorized to approve or delegate to an Office head authority to approve physical surveillance or monitoring as necessary to perform the following:

(a) Evaluation and testing of security systems at Agency installations.

(b) Protective surveillance where there is concern for the employee's safety or well-being and not for any security-related considerations.

4. Recommendation: It is recommended that you approve the following:

a. That the use of surveillance usually require the prior written approval of the Director of Central Intelligence and such request for approval to contain, but not necessarily be limited to, the following:

(1) Type of surveillance requested and proposed duration;

(2) The reasons for the surveillance and, if appropriate, an explanation of why the Agency should conduct the surveillance instead of a law enforcement agency;

(3) A schedule for reporting progress to the Director of Central Intelligence; and

(4) A request for approval.

b. That each proposal as outlined in paragraph 4.a. shall be forwarded through the appropriate Deputy Director and reviewed by the General Counsel for his opinion on the legality of the surveillance prior to submission to the Director of Central Intelligence.

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c. That in those instances where operational exigency does not permit prior formal proposals and review, the advance oral approval of the Director of Central Intelligence is sufficient to initiate physical surveillance and monitoring. Details of the incident with justification for physical surveillance and monitoring will be submitted promptly for formal review and approval.

d. That authority to approve those limited areas of surveillance defined in paragraph 3.e. be delegated to the Deputy Director for Operations and the Deputy Director for Administration as indicated.

[Redacted]
Robert W. Gambino
Director of Security

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the United States

CONCURRENCES:

John F. Blake
Deputy Director for Administration

Date

William E. Nelson
Deputy Director for Operations

Date

John Warner
General Counsel

Date

Donald Chamberlain
Inspector General

Date

George Cary
Legislative Counsel

Date

APPROVED: _____

DISAPPROVED: _____

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United States

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